

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-4, 9-16, 19-26, 29-31, and 36-47 are pending. Claims 1, 11, 15-16, 21, 25-26, 31, 38-39, 41 and 45 have been rejected. Claims 2-4, 9, 10, 12-14, 19-20, 22-24, 29-30, 36-37, 40, 42-44, and 46-47 were withdrawn from further consideration in applicant's prior response. Claims 5-8, 17-18, 27-28, 32-35 were cancelled in applicant's prior response. Claims 1, 11, 15, 16, 21, 25, 26, 31, 38, 39, 41 and 45 remain for consideration in the instant application. Claims 1, 11, 21, 31, 38 and 39 have been amended.

Claims 1, 11, 15-16, 21, 25-26, 31, 38-39, 41 and 45 stand rejected under 35 USC 112, second paragraph, as being indefinite. The Office Action recites that there is insufficient antecedent basis to support the claim element "said observed preference."

Applicant respectfully disagrees, however, has amended the independent claims to remove the objected-to language. With regard to the remaining dependent claims, these claims do not include the objected to language and have not been amended. With regard to those claims withdrawn from consideration these claims have not been amended at this time.

The claims presented for consideration have been amended to remove the objected-to claim language. Applicant submits that the reason for the rejection has been overcome and respectfully requests the rejection be withdrawn.

Claims 1, 11, 15-16, 21, 25-26, 31, 38-39, 41 and 45 stand rejected under 35 USC 103(a) as being unpatentable over Ellis (Provisional application 60/270,463 published as USPPA 2004/0116088) in view of Asgharzadeh (USP no. 5,590,246).

Applicant respectfully disagrees with and explicitly traverses the reason of the rejection. However, the independent claims have been amended to state "and each of the one or more observed environmental characteristics is associated with a weight assigned

by the user." No new matter has been added. Support for the amendment can be found on page 8, lines 26-28.

The Office Action acknowledges that Ellis is silent with regard to providing a recommendation score. Asgharzadeh discloses a fuzzy logic based system for improving the quality of printed pictures, wherein each printed image is given a score by human experts. Asgharzadeh fails to describe assigning a weight to characteristics as is now recited in the claims.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

As neither Ellis nor Asgharzadeh teach or suggest assigning a weight to the observed environment characteristics, as is recited in the amended independent claims, the independent claims are not rendered obvious by the cited references.

For at least this reason, applicant submits that the rejection has been overcome and respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to the dependent claims, these claims ultimately depend from the independent claims, which has been shown not to be obvious, and, hence, allowable, over the cited references. Accordingly, the remaining dependent^{4e} claims are also allowable by virtue of their dependence from an allowable base claim.


For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Yan Glickberg
Registration No. 51,742



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By:  Steve Cha
Attorney for Applicant
Registration No. 44,069

Mail all correspondence to:

Yan Glickberg, Registration No. 51,742
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624
Fax: (914) 332-0615